

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MICHAEL RYAN and TIMI RYAN )  
 )  
 v. ) No. 3-10-1134  
 )  
 ALLSTATE PROPERTY AND )  
 CASUALTY COMPANY, INC. )

## ORDER

By contemporaneously entered order, the Court has approved and entered the parties' proposed joint initial case management order, with modifications addressed at the initial case management conference held on February 15, 2011. Those modifications and other matters addressed on February 15, 2011, are as follows:

1. The parties agree that Allstate Property and Casualty Company, Inc. should be substituted for defendant Allstate Insurance Company, Incorporated.

The Clerk is directed to terminate Allstate Insurance Company, Incorporated, and to substitute in lieu thereof Allstate Property and Casualty Company, Inc. as the sole defendant in this case.

2. The parties shall serve initial disclosures in accord with Rule 26(a)(1) of the Federal Rules of Civil Procedure by March 4, 2011.

3. Any discovery motions shall be filed and/or any telephone conference call with the Court to address any discovery disputes shall be scheduled by August 2, 2011.

4. As provided in the contemporaneously entered order, the parties shall complete all written discovery by June 15, 2011. That means that written discovery shall be served in sufficient time for responses to the written discovery to be in hand by June 15, 2011.

5. Counsel for the parties shall convene a telephone conference call with the Court on **Thursday, June 2, 2011, at 11:00 a.m.**, to be initiated by defendant's counsel, to address the status

of discovery, any discovery issues or disputes, whether the plaintiff has disclosed any experts, the potential for settlement, propriety of ADR, and any other appropriate matters.

As provided in the contemporaneously entered order, the deadline for filing any dispositive motion is August 30, 2011. Any response shall be filed within 21 days of the filing of the motion or by September 20, 2011, if the motion is filed on August 30, 2011. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by October 4, 2011, if the response is filed on September 20, 2011.

No other filings in support of or in opposition to any dispositive motion shall be made except with the express permission of the Honorable John T. Nixon.

There shall be no stay of discovery before the July 15, 2011, deadline for completion of fact discovery or the August 1, 2011, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

In consultation with Judge Nixon's office, a jury trial is scheduled to begin on **Tuesday, March 20, 2012, at 9:00 a.m.**, in Courtroom 774, U.S. Courthouse, 801 Broadway, Nashville, TN. The parties estimate that the trial will last two (2) days.

The parties are directed to contact Ms. Mary Conner, courtroom deputy to Judge Nixon, by no later than 12:00 noon on Friday, March 16, 2012, if this case has settled. Failure to provide such notification in the event the parties have settled the case may result in assessment of costs against the parties and/or their attorneys, including but not limited to the costs of summoning the jurors.

The pretrial conference is also scheduled before Judge Nixon, on **Friday, March 9, 2012, at 10:00 a.m.**, in Chambers, 770 U.S. Courthouse.

By February 17, 2012, counsel shall advise opposing counsel of those portions of any depositions to be read to the jury or those portions of video depositions to be viewed by the jury, in accord with Local Rule 32.01(b) and Rule 26(a)(3)(A)(ii) of the Federal Rules of Civil Procedure, and shall serve a list of the expected witnesses and exhibits in accord with Rule 26(a)(3)(A)(i) and (iii) of the Federal Rules of Civil Procedure.

By February 27, 2012, the parties shall file any motions in limine, any Daubert motions and/or motions relating to expert testimony, any evidentiary objections to deposition testimony, in accord with Local Rules 32.01(b) and 39.01(d)(1) and Rule 26(a)(3)(B), and any objections to proposed exhibits in accord with Rule 26(a)(3)(B).

Any responses to such motions in limine, any responses to any Daubert motions and/or motions relating to expert testimony, and any responses to objections to deposition testimony and proposed exhibits shall be filed by March 2, 2012.

By March 2, 2012, the parties shall also:

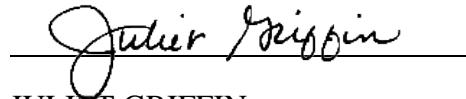
1. Submit a proposed joint pretrial order;<sup>1</sup>
2. Exchange their final lists of witnesses and exhibits;
3. File their respective final witness and exhibit lists;
4. File a listing of all agreed stipulations; and
5. File proposed jury instructions, any special interrogatories, and any special

verdict forms.

A deadline for filing pretrial briefs will be established at the pretrial conference, if appropriate.

The parties shall premark all exhibits and comply with Local Rule 39.01(c)(4).

It is so ORDERED.



Juliet Griffin  
JULIET GRIFFIN  
United States Magistrate Judge

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<sup>1</sup> The pretrial order shall contain (1) a recitation that the pleadings are amended to conform to the pretrial order and that the pretrial order supplants the pleadings; (2) a short summary of the plaintiffs' theory (no more than one page); (3) a short summary of the defendant's theory (no more than one page); (4) the issues to be submitted to the Court and the jury; (5) any anticipated evidentiary issues; and (6) a statement that the parties have complied with the provisions of this order.